



GENERAL ASSEMBLY

COMMONWEALTH OF KENTUCKY

2013 REGULAR SESSION

SENATE BILL NO. 150

MONDAY, FEBRUARY 25, 2013

The following bill was reported to the House from the Senate and ordered to be printed.

RECEIVED AND FILED
DATE March 21, 2013
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ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY R. Adler

1 AN ACT relating to concealed deadly weapons.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 237.110 is amended to read as follows:

4 (1) The Department of Kentucky State Police is authorized to issue and renew licenses
5 to carry concealed firearms or other deadly weapons, or a combination thereof, to
6 persons qualified as provided in this section.

7 (2) An original or renewal license issued pursuant to this section shall:

8 (a) Be valid throughout the Commonwealth and, except as provided in this
9 section or other specific section of the Kentucky Revised Statutes or federal
10 law, permit the holder of the license to carry firearms, ammunition, or other
11 deadly weapons, or a combination thereof, at any location in the
12 Commonwealth;

13 (b) Unless revoked as provided by law, be valid for a period of five (5) years from
14 the date of issuance;

15 (c) Authorize the holder of the license to carry a concealed firearm or other
16 deadly weapon, or a combination thereof, on or about his or her person; and

17 (d) Authorize the holder of the license to carry ammunition for a firearm on or
18 about his or her person.

19 (3) Prior to the issuance of an original or renewal license to carry a concealed deadly
20 weapon, the Department of Kentucky State Police shall conduct a background check
21 to ascertain whether the applicant is eligible under 18 U.S.C. sec. 922(g) and (n),
22 any other applicable federal law, and state law to purchase, receive, or possess a
23 firearm or ammunition, or both. The background check shall include:

24 (a) A state records check covering the items specified in this subsection, together
25 with any other requirements of this section;

26 (b) A federal records check, which shall include a National Instant Criminal
27 Background Check System (NICS) check;

1 (c) A federal Immigration Alien Query if the person is an alien who has been
 2 lawfully admitted to the United States by the United States government or an
 3 agency thereof; and

4 (d) In addition to the Immigration Alien Query, if the applicant has not been
 5 lawfully admitted to the United States under permanent resident status, the
 6 Department of Kentucky State Police shall, if a doubt exists relating to an
 7 alien's eligibility to purchase a firearm, consult with the United States
 8 Department of Homeland Security, United States Department of Justice,
 9 United States Department of State, or other federal agency to confirm whether
 10 the alien is eligible to purchase a firearm in the United States, bring a firearm
 11 into the United States, or possess a firearm in the United States under federal
 12 law.

13 (4) The Department of Kentucky State Police shall issue an original or renewal license
 14 if the applicant:

15 (a) Is not prohibited from the purchase, receipt, or possession of firearms,
 16 ammunition, or both pursuant to 18 U.S.C. 922(g), 18 U.S.C. 922(n), or
 17 applicable federal or state law;

18 (b) 1. Is a citizen of the United States who is a resident of this
 19 Commonwealth ~~and has been a resident for six (6) months or longer~~
 20 ~~immediately preceding the filing of the application~~;

21 2. Is a citizen of the United States who is a member of the Armed Forces of
 22 the United States who is on active duty, who is at the time of application
 23 assigned to a military posting in Kentucky~~, and who has been assigned~~
 24 ~~to a posting in the Commonwealth for six (6) months or longer~~
 25 ~~immediately preceding the filing of the application~~;

26 3. Is lawfully admitted to the United States by the United States
 27 government or an agency thereof, is permitted by federal law to purchase

- 1 a firearm~~[- and has been a resident of this Commonwealth for six (6)~~
2 ~~months or longer immediately preceding the filing of the application]~~; or
- 3 4. Is lawfully admitted to the United States by the United States
4 government or an agency thereof, is permitted by federal law to purchase
5 a firearm, is, at the time of the application, assigned to a military posting
6 in Kentucky, and has been assigned to a posting in the Commonwealth~~[-~~
7 ~~for six (6) months or longer immediately preceding the filing of the~~
8 ~~application]~~;
- 9 (c) Is twenty-one (21) years of age or older;
- 10 (d) Has not been committed to a state or federal facility for the abuse of a
11 controlled substance or been convicted of a misdemeanor violation of KRS
12 Chapter 218A or similar laws of any other state relating to controlled
13 substances, within a three (3) year period immediately preceding the date on
14 which the application is submitted;
- 15 (e) Does not chronically and habitually use alcoholic beverages as evidenced by
16 the applicant having two (2) or more convictions for violating KRS 189A.010
17 within the three (3) years immediately preceding the date on which the
18 application is submitted, or having been committed as an alcoholic pursuant to
19 KRS Chapter 222 or similar laws of another state within the three (3) year
20 period immediately preceding the date on which the application is submitted;
- 21 (f) Does not owe a child support arrearage which equals or exceeds the
22 cumulative amount which would be owed after one (1) year of nonpayment, if
23 the Department of Kentucky State Police has been notified of the arrearage by
24 the Cabinet for Health and Family Services;
- 25 (g) Has complied with any subpoena or warrant relating to child support or
26 paternity proceedings. If the Department of Kentucky State Police has not
27 been notified by the Cabinet for Health and Family Services that the applicant

1 has failed to meet this requirement, the Department of Kentucky State Police
2 shall assume that paternity and child support proceedings are not an issue;

3 (h) Has not been convicted of a violation of KRS 508.030 or 508.080 within the
4 three (3) years immediately preceding the date on which the application is
5 submitted. The commissioner of the Department of Kentucky State Police
6 may waive this requirement upon good cause shown and a determination that
7 the applicant is not a danger and that a waiver would not violate federal law;
8 and

9 (i) Demonstrates competence with a firearm by successful completion of a
10 firearms safety course offered or approved by the Department of Criminal
11 Justice Training. The firearms safety course shall:

- 12 1. Be not more than eight (8) hours in length;
- 13 2. Include instruction on handguns, the safe use of handguns, the care and
14 cleaning of handguns, and handgun marksmanship principles;
- 15 3. Include actual range firing of a handgun in a safe manner, and the firing
16 of not more than twenty (20) rounds at a full-size silhouette target,
17 during which firing, not less than eleven (11) rounds must hit the
18 silhouette portion of the target; and
- 19 4. Include information on and a copy of laws relating to possession and
20 carrying of firearms, as set forth in KRS Chapters 237 and 527, and the
21 laws relating to the use of force, as set forth in KRS Chapter 503.

22 (5) A legible photocopy of the certificate of completion issued by the Department of
23 Criminal Justice Training shall constitute evidence of qualification under subsection
24 (4)(i) of this section.

25 (6) (a) Peace officers who are currently certified as peace officers by the Kentucky
26 Law Enforcement Council pursuant to KRS 15.380 to 15.404 and peace
27 officers who are retired and are members of the Kentucky Employees

1 Retirement System, State Police Retirement System, or County Employees
2 Retirement System or other retirement system operated by or for a city,
3 county, or urban-county in Kentucky shall be deemed to have met the training
4 requirement.

5 (b) Current and retired peace officers of the following federal agencies shall be
6 deemed to have met the training requirement:

- 7 1. Any peace officer employed by a federal agency specified in KRS
8 61.365;
- 9 2. Any peace officer employed by a federal civilian law enforcement
10 agency not specified above who has successfully completed the basic
11 law enforcement training course required by that agency;
- 12 3. Any military peace officer of the United States Army, Navy, Marine
13 Corps, or Air Force, or a reserve component thereof, or of the Army
14 Reserve or Air Force Reserve who has successfully completed the
15 military law enforcement training course required by that branch of the
16 military; and
- 17 4. Any member of the United States Coast Guard serving in a peace officer
18 role who has successfully completed the law enforcement training
19 course specified by the United States Coast Guard.

20 (7) The application for a license, or renewal of a license, to carry a concealed deadly
21 weapon shall be obtained from the office of the sheriff in the county in which the
22 person resides. The completed application and all accompanying material plus an
23 application fee or renewal fee, as appropriate, of sixty dollars (\$60) shall be
24 presented to the office of the sheriff of the county in which the applicant resides. A
25 full-time or part-time peace officer who is currently certified as a peace officer by
26 the Kentucky Law Enforcement Council who is authorized by his or her employer
27 or government authority to carry a concealed deadly weapon at all times and all

1 locations within the Commonwealth pursuant to KRS 527.020 or a retired peace
2 officer who is a member of the Kentucky Employees Retirement System, State
3 Police Retirement System, County Employees Retirement System, or other
4 retirement system operated by or for a city, county, or urban-county in Kentucky
5 shall be exempt from paying the application or renewal fees. The sheriff shall
6 transmit the application and accompanying material to the Department of Kentucky
7 State Police within five (5) working days. Twenty dollars (\$20) of the application
8 fee shall be retained by the office of the sheriff for official expenses of the office.
9 Twenty dollars (\$20) shall be sent to the Department of Kentucky State Police with
10 the application. Ten dollars (\$10) shall be transmitted by the sheriff to the
11 Administrative Office of the Courts to fund background checks for youth leaders,
12 and ten dollars (\$10) shall be transmitted to the Administrative Office of the Courts
13 to fund background checks for applicants for concealed weapons. The application
14 shall be completed, under oath, on a form promulgated by the Department of
15 Kentucky State Police by administrative regulation which shall only include:

- 16 (a) 1. The name, address, place and date of birth, citizenship, gender, Social
17 Security number of the applicant; and
18 2. If not a citizen of the United States, alien registration number if
19 applicable, passport number, visa number, mother's maiden name, and
20 other information necessary to determine the immigration status and
21 eligibility to purchase a firearm under federal law of a person who is not
22 a citizen of the United States;
23 (b) A statement that, to the best of his or her knowledge, the applicant is in
24 compliance with criteria contained within subsections (3) and (4) of this
25 section;
26 (c) A statement that the applicant has been furnished a copy of this section and is
27 knowledgeable about its provisions;

- 1 (d) A statement that the applicant has been furnished a copy of, has read, and
 2 understands KRS Chapter 503 as it pertains to the use of deadly force for self-
 3 defense in Kentucky; and
- 4 (e) A conspicuous warning that the application is executed under oath and that a
 5 materially false answer to any question, or the submission of any materially
 6 false document by the applicant, subjects the applicant to criminal prosecution
 7 under KRS 523.030.
- 8 (8) The applicant, if a resident of the Commonwealth, shall submit to the sheriff of the
 9 applicant's county of residence:
- 10 (a) A completed application as described in subsection (7) of this section;
- 11 (b) A recent color photograph of the applicant, as prescribed by administrative
 12 regulation;
- 13 (c) A photocopy of a certificate or an affidavit or document as described in
 14 subsection (5) of this section; and
- 15 (d) For an applicant who is not a citizen of the United States and has been
 16 lawfully admitted to the United States by the United States government or an
 17 agency thereof, his or her United States government issued:
- 18 1. Permanent Resident Card I-551 or its equivalent successor
 19 identification;
 - 20 2. Other United States government issued evidence of lawful admission to
 21 the United States which includes the category of admission, if admission
 22 has not been granted as a permanent resident; and
 - 23 3. Evidence of compliance with the provisions of 18 U.S.C. sec. 922(g)(5),
 24 18 U.S.C. sec. 922(d)(5), or 18 U.S.C. sec. 922(y)(2), and 27 C.F.R. Part
 25 178, including, as appropriate, but not limited to evidence of ninety (90)
 26 day residence in the Commonwealth, a valid current Kentucky hunting
 27 license if claiming exemption as a hunter, or other evidence of eligibility

1 to purchase a firearm by an alien which is required by federal law or
2 regulation.

3 If an applicant presents identification specified in this paragraph, the sheriff
4 shall examine the identification, may record information from the
5 identification presented, and shall return the identification to the applicant.

6 (9) The Department of Kentucky State Police shall, within sixty (60)~~ninety (90)~~ days
7 after the date of receipt of the items listed in subsection (8) of this section from the
8 sheriff, either:

9 (a) Issue the license; or

10 (b) Deny the application based solely on the grounds that the applicant fails to
11 qualify under the criteria listed in subsection (3) or (4) of this section. If the
12 Department of Kentucky State Police denies the application, it shall notify the
13 applicant in writing, stating the grounds for denial and informing the applicant
14 of a right to submit, within thirty (30) days, any additional documentation
15 relating to the grounds of denial. Upon receiving any additional
16 documentation, the Department of Kentucky State Police shall reconsider its
17 decision and inform the applicant within twenty (20) days of the result of the
18 reconsideration. The applicant shall further be informed of the right to seek de
19 novo review of the denial in the District Court of his or her place of residence
20 within ninety (90) days from the date of the letter advising the applicant of the
21 denial.

22 (10) The Department of Kentucky State Police shall maintain an automated listing of
23 license holders and pertinent information, and this information shall be available
24 on-line, upon request, at all times to all Kentucky, federal, and other states' law
25 enforcement agencies. A request for the entire list of licensees, or for all licensees in
26 a geographic area, shall be denied. Only requests relating to a named licensee shall
27 be honored or available on-line. Information on applications for licenses, names and

1 addresses, or other identifying information relating to license holders shall be
2 confidential and shall not be made available except to law enforcement agencies.
3 No request for lists of local or statewide permit holders shall be made to any state or
4 local law enforcement agency, peace officer, or other agency of government other
5 than the Department of Kentucky State Police, and no state or local law
6 enforcement agency, peace officer, or agency of government, other than the
7 Department of Kentucky State Police, shall provide any information not entitled to
8 it by law.

9 (11) Within thirty (30) days after the changing of a permanent address, or within thirty
10 (30) days after the loss, theft, or destruction of a license, the licensee shall notify the
11 Department of Kentucky State Police of the loss, theft, or destruction. Failure to
12 notify the Department of Kentucky State Police shall constitute a noncriminal
13 violation with a penalty of twenty-five dollars (\$25) payable to the clerk of the
14 District Court. No court costs shall be assessed for a violation of this subsection.
15 When a licensee makes application to change his or her residence address or other
16 information on the license, neither the sheriff nor the Department of Kentucky State
17 Police shall require a surrender of the license until a new license is in the office of
18 the applicable sheriff and available for issuance. Upon the issuance of a new
19 license, the old license shall be destroyed by the sheriff.

20 (12) If a license is lost, stolen, or destroyed, the license shall be automatically invalid,
21 and the person to whom the same was issued may, upon payment of fifteen dollars
22 (\$15) to the Department of Kentucky State Police, obtain a duplicate, upon
23 furnishing a notarized statement to the Department of Kentucky State Police that the
24 license has been lost, stolen, or destroyed.

25 (13) (a) The commissioner of the Department of Kentucky State Police, or his or her
26 designee in writing, shall revoke the license of any person who becomes
27 permanently ineligible to be issued a license or have a license renewed under

- 1 the criteria set forth in this section.
- 2 (b) The commissioner of the Department of Kentucky State Police, or his or her
3 designee in writing, shall suspend the license of any person who becomes
4 temporarily ineligible to be issued a license or have a license renewed under
5 the criteria set forth in this section. The license shall remain suspended until
6 the person is again eligible for the issuance or renewal of a license.
- 7 (c) Upon the suspension or revocation of a license, the commissioner of the
8 Department of Kentucky State Police, or his or her designee in writing, shall:
- 9 1. Order any peace officer to seize the license from the person whose
10 license was suspended or revoked; or
- 11 2. Direct the person whose license was suspended or revoked to surrender
12 the license to the sheriff of the person's county of residence within two
13 (2) business days of the receipt of the notice.
- 14 (d) If the person whose license was suspended or revoked desires a hearing on the
15 matter, the person shall surrender the license as provided in paragraph (c)2. of
16 this subsection and petition the commissioner of the Department of Kentucky
17 State Police to hold a hearing on the issue of suspension or revocation of the
18 license.
- 19 (e) Upon receipt of the petition, the commissioner of the Department of Kentucky
20 State Police shall cause a hearing to be held in accordance with KRS Chapter
21 13B on the suspension or revocation of the license. If the license has not been
22 surrendered, no hearing shall be scheduled or held.
- 23 (f) If the hearing officer determines that the licensee's license was wrongly
24 suspended or revoked, the hearing officer shall order the commissioner of the
25 Department of Kentucky State Police to return the license and abrogate the
26 suspension or revocation of the license.
- 27 (g) Any party may appeal a decision pursuant to this subsection to the District

1 Court in the licensee's county of residence in the same manner as for the
2 denial of a license.

3 (h) If the license is not surrendered as ordered, the commissioner of the
4 Department of Kentucky State Police shall order a peace officer to seize the
5 license and deliver it to the commissioner.

6 (i) Failure to surrender a suspended or revoked license as ordered is a Class A
7 misdemeanor.

8 (j) The provisions of this subsection relating to surrender of a license shall not
9 apply if a court of competent jurisdiction has enjoined its surrender.

10 (k) When a domestic violence order or emergency protective order is issued
11 pursuant to the provisions of KRS Chapter 403 against a person holding a
12 license issued under this section, the holder of the permit shall surrender the
13 license to the court or to the officer serving the order. The officer to whom the
14 license is surrendered shall forthwith transmit the license to the court issuing
15 the order. The license shall be suspended until the order is terminated, or until
16 the judge who issued the order terminates the suspension prior to the
17 termination of the underlying domestic violence order or emergency protective
18 order, in writing and by return of the license, upon proper motion by the
19 license holder. Subject to the same conditions as above, a peace officer against
20 whom an emergency protective order or domestic violence order has been
21 issued shall not be permitted to carry a concealed deadly weapon when not on
22 duty, the provisions of KRS 527.020 to the contrary notwithstanding.

23 (14) (a) Not less than one hundred twenty (120) days prior to the expiration date of the
24 license, the Department of Kentucky State Police shall mail to each licensee a
25 written notice of the expiration and a renewal form prescribed by the
26 Department of Kentucky State Police. The outside of the envelope containing
27 the license renewal notice shall bear only the name and address of the

1 applicant. No other information relating to the applicant shall appear on the
2 outside of the envelope sent to the applicant. The licensee may renew his or
3 her license on or before the expiration date by filing with the sheriff of his or
4 her county of residence the renewal form, a notarized affidavit stating that the
5 licensee remains qualified pursuant to the criteria specified in subsections (3)
6 and (4) of this section, and the required renewal fee. The sheriff shall issue to
7 the applicant a receipt for the application for renewal of the license and shall
8 date the receipt.

9 (b) A license which has expired shall be void and shall not be valid for any
10 purpose other than surrender to the sheriff in exchange for a renewal license.

11 (c) The license shall be renewed to a qualified applicant upon receipt of the
12 completed renewal application, records check as specified in subsection (3) of
13 this section, determination that the renewal applicant is not ineligible for a
14 license as specified in subsection (4), and appropriate payment of fees. Upon
15 the issuance of a new license, the old license shall be destroyed by the sheriff.
16 A licensee who fails to file a renewal application on or before its expiration
17 date may renew his or her license by paying, in addition to the license fees, a
18 late fee of fifteen dollars (\$15). No license shall be renewed six (6) months or
19 more after its expiration date, and the license shall be deemed to be
20 permanently expired six (6) months after its expiration date. A person whose
21 license has permanently expired may reapply for licensure pursuant to
22 subsections (7), (8), and (9) of this section.

23 (15) The licensee shall carry the license at all times the licensee is carrying a concealed
24 firearm or other deadly weapon and shall display the license upon request of a law
25 enforcement officer. Violation of the provisions of this subsection shall constitute a
26 noncriminal violation with a penalty of twenty-five dollars (\$25), payable to the
27 clerk of the District Court, but no court costs shall be assessed.

- 1 (16) Except as provided in KRS 527.020, no license issued pursuant to this section shall
2 authorize any person to carry a concealed firearm into:
- 3 (a) Any police station or sheriff's office;
 - 4 (b) Any detention facility, prison, or jail;
 - 5 (c) Any courthouse, solely occupied by the Court of Justice courtroom, or court
6 proceeding;
 - 7 (d) Any meeting of the governing body of a county, municipality, or special
8 district; or any meeting of the General Assembly or a committee of the
9 General Assembly, except that nothing in this section shall preclude a member
10 of the body, holding a concealed deadly weapon license, from carrying a
11 concealed deadly weapon at a meeting of the body of which he or she is a
12 member;
 - 13 (e) Any portion of an establishment licensed to dispense beer or alcoholic
14 beverages for consumption on the premises, which portion of the
15 establishment is primarily devoted to that purpose;
 - 16 (f) Any elementary or secondary school facility without the consent of school
17 authorities as provided in KRS 527.070, any child-caring facility as defined in
18 KRS 199.011, any day-care center as defined in KRS 199.894, or any certified
19 family child-care home as defined in KRS 199.8982, except however, any
20 owner of a certified child-care home may carry a concealed firearm into the
21 owner's residence used as a certified child-care home;
 - 22 (g) An area of an airport to which access is controlled by the inspection of
23 persons and property; or
 - 24 (h) Any place where the carrying of firearms is prohibited by federal law.
- 25 (17) The owner, business or commercial lessee, or manager of a private business
26 enterprise, day-care center as defined in KRS 199.894 or certified or licensed family
27 child-care home as defined in KRS 199.8982, or a health-care facility licensed

1 under KRS Chapter 216B, except facilities renting or leasing housing, may prohibit
2 persons holding concealed deadly weapon licenses from carrying concealed deadly
3 weapons on the premises and may prohibit employees, not authorized by the
4 employer, holding concealed deadly weapons licenses from carrying concealed
5 deadly weapons on the property of the employer. If the building or the premises are
6 open to the public, the employer or business enterprise shall post signs on or about
7 the premises if carrying concealed weapons is prohibited. Possession of weapons, or
8 ammunition, or both in a vehicle on the premises shall not be a criminal offense so
9 long as the weapons, or ammunition, or both are not removed from the vehicle or
10 brandished while the vehicle is on the premises. A private but not a public employer
11 may prohibit employees or other persons holding a concealed deadly weapons
12 license from carrying concealed deadly weapons, or ammunition, or both in vehicles
13 owned by the employer, but may not prohibit employees or other persons holding a
14 concealed deadly weapons license from carrying concealed deadly weapons, or
15 ammunition, or both in vehicles owned by the employee, except that the Justice and
16 Public Safety Cabinet may prohibit an employee from carrying any weapons, or
17 ammunition, or both other than the weapons, or ammunition, or both issued or
18 authorized to be used by the employee of the cabinet, in a vehicle while transporting
19 persons under the employee's supervision or jurisdiction. Carrying of a concealed
20 weapon, or ammunition, or both in a location specified in this subsection by a
21 license holder shall not be a criminal act but may subject the person to denial from
22 the premises or removal from the premises, and, if an employee of an employer,
23 disciplinary measures by the employer.

24 (18) All moneys collected by the Department of Kentucky State Police pursuant to this
25 section shall be used to administer the provisions of this section and KRS 237.138
26 to 237.142. By March 1 of each year, the Department of Kentucky State Police and
27 the Administrative Office of the Courts shall submit reports to the Governor, the

1 President of the Senate, and the Speaker of the House of Representatives, indicating
2 the amounts of money collected and the expenditures related to this section, KRS
3 237.138 to 237.142, and KRS 237.115, 244.125, 527.020, and 527.070, and the
4 administration of the provisions of this section, KRS 237.138 to 237.142, and KRS
5 237.115, 244.125, 527.020, and 527.070.

6 (19) The General Assembly finds as a matter of public policy that it is necessary to
7 provide statewide uniform standards for issuing licenses to carry concealed firearms
8 and to occupy the field of regulation of the bearing of concealed firearms to ensure
9 that no person who qualifies under the provisions of this section is denied his rights.
10 The General Assembly does not delegate to the Department of Kentucky State
11 Police the authority to regulate or restrict the issuing of licenses provided for in this
12 section beyond those provisions contained in this section. This section shall be
13 liberally construed to carry out the constitutional right to bear arms for self-defense.

14 (20) (a) A person who has a valid license issued by another state of the United States
15 to carry a concealed deadly weapon in that state may, subject to provisions of
16 Kentucky law, carry a concealed deadly weapon in Kentucky, and his or her
17 license shall be considered as valid in Kentucky.

18 (b) The Department of Kentucky State Police shall, not later than thirty (30) days
19 after July 15, 1998, and not less than once every six (6) months thereafter,
20 make written inquiry of the concealed deadly weapon carrying licensing
21 authorities in each other state as to whether a Kentucky resident may carry a
22 concealed deadly weapon in their state based upon having a valid Kentucky
23 concealed deadly weapon license, or whether a Kentucky resident may apply
24 for a concealed deadly weapon carrying license in that state based upon
25 having a valid Kentucky concealed deadly weapon license. The Department of
26 Kentucky State Police shall attempt to secure from each other state permission
27 for Kentucky residents who hold a valid Kentucky concealed deadly weapon

1 license to carry concealed deadly weapons in that state, either on the basis of
2 the Kentucky license or on the basis that the Kentucky license is sufficient to
3 permit the issuance of a similar license by the other state. The Department of
4 Kentucky State Police shall enter into a written reciprocity agreement with the
5 appropriate agency in each state that agrees to permit Kentucky residents to
6 carry concealed deadly weapons in the other state on the basis of a Kentucky-
7 issued concealed deadly weapon license or that will issue a license to carry
8 concealed deadly weapons in the other state based upon a Kentucky concealed
9 deadly weapon license. If a reciprocity agreement is reached, the requirement
10 to recontact the other state each six (6) months shall be eliminated as long as
11 the reciprocity agreement is in force. The information shall be a public record
12 and shall be available to individual requesters free of charge for the first copy
13 and at the normal rate for open records requests for additional copies.

14 (21) By March 1 of each year, the Department of Kentucky State Police shall submit a
15 statistical report to the Governor, the President of the Senate, and the Speaker of the
16 House of Representatives, indicating the number of licenses issued, revoked,
17 suspended, and denied since the previous report and in total and also the number of
18 licenses currently valid. The report shall also include the number of arrests,
19 convictions, and types of crimes committed since the previous report by individuals
20 licensed to carry concealed weapons.

21 (22) The following provisions shall apply to concealed deadly weapon training classes
22 conducted by the Department of Criminal Justice Training or any other agency
23 pursuant to this section:

24 (a) No concealed deadly weapon instructor trainer shall have his or her
25 certification as a concealed deadly weapon instructor trainer reduced to that of
26 instructor or revoked except after a hearing conducted pursuant to KRS
27 Chapter 13B in which the instructor is found to have committed an act in

- 1 violation of the applicable statutes or administrative regulations;
- 2 (b) No concealed deadly weapon instructor shall have his or her certification as a
3 concealed deadly weapon instructor license suspended or revoked except after
4 a hearing conducted pursuant to KRS Chapter 13B in which the instructor is
5 found to have committed an act in violation of the applicable statutes or
6 administrative regulations;
- 7 (c) The department shall not require prior notification that an applicant class or
8 instructor class will be conducted by a certified instructor or instructor trainer;
- 9 (d) Each concealed deadly weapon instructor or instructor trainer who teaches a
10 concealed deadly weapon applicant or concealed deadly weapon instructor
11 class shall supply the Department of Criminal Justice Training with a class
12 roster indicating which students enrolled and successfully completed the class,
13 and which contains the name and address of each student, within five (5)
14 working days of the completion of the class. The information may be sent by
15 mail, facsimile, e-mail, or other method which will result in the receipt of or
16 production of a hard copy of the information. The postmark, facsimile date, or
17 e-mail date shall be considered as the date on which the notice was sent.
18 Concealed deadly weapon class applicant, instructor, and instructor trainer
19 information and records shall be confidential. The department may release to
20 any person or organization the name, address, and telephone number of a
21 concealed deadly weapon instructor or instructor trainer if that instructor or
22 instructor trainer authorizes the release of the information in writing. The
23 department shall include on any application for an instructor or instructor
24 trainer certification a statement that the applicant either does or does not
25 desire the applicant's name, address, and telephone number to be made public;
- 26 (e) An instructor trainer who assists in the conduct of a concealed deadly weapon
27 instructor class or concealed deadly weapon applicant class for more than two

1 (2) hours shall be considered as to have taught a class for the purpose of
2 maintaining his or her certification. All class record forms shall include spaces
3 for assistant instructors to sign and certify that they have assisted in the
4 conduct of a concealed deadly weapon instructor or concealed deadly weapon
5 class;

6 (f) An instructor who assists in the conduct of a concealed deadly weapon
7 applicant class for more than two (2) hours shall be considered as to have
8 taught a class for the purpose of maintaining his or her license. All class
9 record forms shall include spaces for assistant instructors to sign and certify
10 that they have assisted in the conduct of a concealed deadly weapon class;

11 (g) If the Department of Criminal Justice Training believes that a firearms
12 instructor trainer or certified firearms instructor has not in fact complied with
13 the requirements for teaching a certified firearms instructor or applicant class
14 by not teaching the class as specified in KRS 237.126, or who has taught an
15 insufficient class as specified in KRS 237.128, the department shall send to
16 each person who has been listed as successfully completing the concealed
17 deadly weapon applicant class or concealed deadly weapon instructor class a
18 verification form on which the time, date, date of range firing if different from
19 the date on which the class was conducted, location, and instructor of the class
20 is listed by the department and which requires the person to answer "yes" or
21 "no" to specific questions regarding the conduct of the training class. The
22 form shall be completed under oath and shall be returned to the Department of
23 Criminal Justice Training not later than forty-five (45) days after its receipt. A
24 person who fails to complete the form, to sign the form, or to return the form
25 to the Department of Criminal Justice Training within the time frame
26 specified in this section or who, as a result of information on the returned
27 form, is determined by the Department of Criminal Justice Training, following

1 a hearing pursuant to KRS Chapter 13B, to not have received the training
2 required by law shall have his or her concealed deadly weapon license
3 revoked by the Department of Kentucky State Police, following a hearing
4 conducted by the Department of Criminal Justice Training pursuant to KRS
5 Chapter 13B, at which hearing the person is found to have violated the
6 provisions of this section or who has been found not to have received the
7 training required by law;

8 (h) The department shall annually, not later than December 31 of each year, report
9 to the Legislative Research Commission:

- 10 1. The number of firearms instructor trainers and certified firearms
11 instructors whose certifications were suspended, revoked, denied, or
12 who were otherwise disciplined;
- 13 2. The reasons for the imposition of suspensions, revocations, denials, or
14 other discipline; and
- 15 3. Suggestions for improvement of the concealed deadly weapon applicant
16 training program and instructor process;

17 (i) If a concealed deadly weapon license holder is convicted of, pleads guilty to,
18 or enters an Alford plea to a felony offense, then his or her concealed deadly
19 weapon license shall be forthwith revoked by the Department of Kentucky
20 State Police as a matter of law;

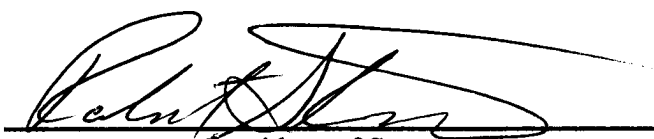
21 (j) If a concealed deadly weapon instructor or instructor trainer is convicted of,
22 pleads guilty to, or enters an Alford plea to a felony offense, then his or her
23 concealed deadly weapon instructor certification or concealed deadly weapon
24 instructor trainer certification shall be revoked by the Department of Criminal
25 Justice Training as a matter of law; and

26 (k) The following shall be in effect:

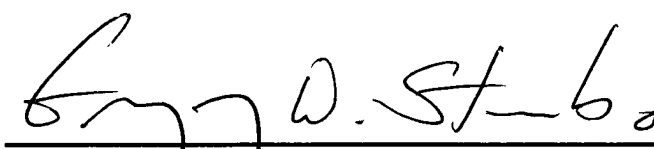
- 27 1. Action to eliminate the firearms instructor trainer program is prohibited.

1 The program shall remain in effect, and no firearms instructor trainer
2 shall have his or her certification reduced to that of certified firearms
3 instructor;

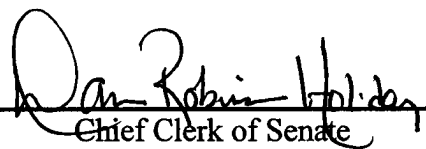
- 4 2. The Department of Kentucky State Police shall revoke the concealed
5 deadly weapon license of any person who received no firearms training
6 as required by KRS 237.126 and administrative regulations, or who
7 received insufficient training as required by KRS 237.128 and
8 administrative regulations, if the person voluntarily admits nonreceipt of
9 training or admits receipt of insufficient training, or if either nonreceipt
10 of training or receipt of insufficient training is proven following a
11 hearing conducted by the Department of Criminal Justice Training
12 pursuant to KRS Chapter 13B.




President of Senate



Speaker-House of Representatives

Attest: 

Chief Clerk of Senate

Approved 

Governor

Date 3-21-13